



03-05-04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE UNDER 37 C.F.R. §1.10

RCE/1600
AS

I hereby certify that the documents enclosed herein are being deposited with the United States Postal Service on this 7th day of March, 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV114072889US addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Michelle Ludwig

In re application of: Behr et al.

) Examiner: David H. Kruse

Serial No.: 09/872,051

) Group Art Unit: 1638

Filed: June 1, 2001

) Conf. No. 3101

For: A DNA Construct Having Two Expression Cassettes)
Each Encoding A Glyphosate Tolerant EPSPS)
Enzyme A Method Of Making A Glyphosate)
Tolerant Plant And A Glyphosate Tolerant Plant)
Produced By The Method)

Mail Stop RCE
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Alexandria, Virginia 22313-1450

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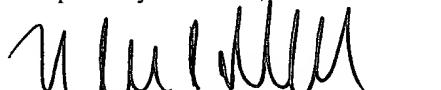
TRANSMITTAL LETTER

Transmitted herewith are the following documents in the above-identified application.

- Request for Continued Examination (RCE) Transmittal
- Fee Transmittal for Year 2004
- Preliminary Amendment
- Transmittal of Information Disclosure Statement After Mailing Date of Final Action or Notice of Allowance but Before Payment of Issue Fee (37 C.F.R. §1.97(d))
- PTO Form 1449
- One (1) Reference
- If an extension or an additional extension of time is required, but is not enclosed, please consider this a conditional petition therefor and charge Deposit Account 13-4125 accordingly.
- Please debit \$950.00 from Deposit Account 13-4125 for the fee required with this filing.
- Please charge any deficiencies or credit any overpayment to Deposit Account 13-4125.

A duplicate copy of this sheet is attached.

Respectfully submitted,



Thomas P. McBride
Reg. No. 32,706
800 North Lindbergh Boulevard
St. Louis, Missouri 63167
(314) 694-5802
(314) 694-5311 (fax)



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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/872,051
Filing Date	June 1, 2001
First Named Inventor	Carl Frederick Behr
Art Unit	1638
Examiner Name	David H. Kruse
Attorney Docket Number	38-21(52258)B

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. Other _____

b. Enclosed

i. Amendment/Reply iii. Information Disclosure Statement (IDS)

ii. Affidavit(s)/ Declaration(s) iv. Other _____

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 13-4125

i. RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other IDS _____

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Thomas P. McBride	Registration No. (Attorney/Agent)	32,706
Signature		Date	4/10/04

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail #EV114072889US addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Michelle Ludwig
Signature	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 950.00)

Complete if Known

Application Number	09/872,051
Filing Date	June 1, 2001
First Named Inventor	Carl Frederick Behr
Examiner Name	David H. Kruse
Art Unit	1638
Attorney Docket No.	38-21(52258)B

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1600-500**METHOD OF PAYMENT (check all that apply)**

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
13-4125

Deposit Account Name
Monsanto Company

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
				SUBTOTAL (1)	(\$ 0-)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20**	=	
			- 3**	=	

Large Entity	Small Entity	Fee Description			
1202	18	2202 9 Claims in excess of 20			
1201	86	2201 43 Independent claims in excess of 3			
1203	290	2203 145 Multiple dependent claim, if not paid			
1204	86	2204 43 ** Reissue independent claims over original patent			
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent			
				SUBTOTAL (2)	(\$ 0-)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity
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Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	420	2252 210 Extension for reply within second month	
1253	950	2253 475 Extension for reply within third month	
1254	1,480	2254 740 Extension for reply within fourth month	
1255	2,010	2255 1,005 Extension for reply within fifth month	
1401	330	2401 165 Notice of Appeal	
1402	330	2402 165 Filing a brief in support of an appeal	
1403	290	2403 145 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,330	2453 665 Petition to revive - unintentional	
1501	1,330	2501 665 Utility issue fee (or reissue)	
1502	480	2502 240 Design issue fee	
1503	640	2503 320 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	180.00
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	770	2809 385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810 385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801 385 Request for Continued Examination (RCE)	770.00
1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 950.00)**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Thomas P. McBride	Registration No. (Attorney/Agent)	32,706	Telephone	314-694-5802	
Signature	<i>Thomas P. McBride</i>				Date	4 Mar 04

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Michelle Ludwig

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In re application of: Behr et al.

)
Examiner: David H. Kruse
)
Group Art Unit: 1638
)
Conf. No.: 3101

Serial No.: 09/872,051

Filed: June 1, 2001

For: A DNA Construct Having Two Expression)
Cassettes Each Encoding A Glyphosate)
Tolerant EPSPS Enzyme A Method of)
Making A Glyphosate Tolerant Plant And A)
Glyphosate Tolerant Plant Produced by The)
Method)

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRELIMINARY AMENDMENT

It is respectfully requested that the following amendment be entered as indicated below and that the application be examined on the merits. It is believed that no new matter is introduced as a result of these amendments.